



December 7, 2006



Mail Stop
Commissioner of Patents & Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

ATTORNEYS AT LAW
JANET G. GARDNER
OPERATIONS MANAGER
(703) 412-6392
JGARDNER@OBLON.COM

Re: Decision on the Petition

Dear Colleagues:

Enclosed please find a Decision on the Petition for application serial No. 09/804,004. We believe that this was sent to our office in error. After reviewing this application through the PAIR system, the Notice of Allowance and Fees Due (a copy of which is enclosed) indicates customer number 24738 for Philips Electronics North America.

Please take immediate action to correct this error and ensure that all future correspondence is directed to them.

If you have any questions or comments regarding this or any other matter, please do not hesitate to contact us.

With best regards,

Very truly yours,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

for M. Zehra
Janet G. Gardner
Operations Manager

JGG/sls
Enclosures: as noted



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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NOTICE OF ALLOWANCE AND FEE(S) DUE

24738

7590

04/08/2005

PHILIPS ELECTRONICS NORTH AMERICA
CORPORATION
INTELLECTUAL PROPERTY & STANDARDS
1109 MCKAY DRIVE, M/S-41SJ
SAN JOSE, CA 95131



EXAMINER

HA, NATHAN W

ART UNIT

PAPER NUMBER

2814

DATE MAILED: 04/08/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,004	03/12/2001	Marcel Eduard Irene Broekaart	NL 000314	8862

TITLE OF INVENTION: METHOD OF FORMING AN ETCH STOP LAYER IN A SEMICONDUCTOR DEVICE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	07/08/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or.

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



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OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT PC
1940 DUKE STREET
ALEXANDRIA VA 22314

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NOV 30 2006

OFFICE OF PETITIONS

RECEIVED: 12-10-06
OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.
DOCKETING DEPT.
Initials/Date Docketed: _____
Type of Resp(s): _____
Due Date(s): _____

In re Application of :
Marshall, et al. :
Application No. 09/804,004 : ON PETITION
Filed: March 16, 2001 :
Docket No. 1305/23 :

This is a decision on the petition to revive under 37 CFR
1.137(b), filed September 29, 2006

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above application became abandoned for failure to timely file a proper response to the Notice of Non-Compliant Amendment mailed November 28, 2005. This Office action set a one (1) month period for reply. No reply having been received, the application became abandoned on December 29, 2005. A Notice of Abandonment was mailed on August 8, 2006.

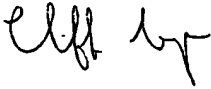
With the instant petition, applicants paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an amendment.

The matter is being forwarded to Group Art Unit 2623 for consideration of the amendment filed September 29, 2006.

Application No. 09/804,004

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Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions